



H.R. 4107, The Assistance to Firefighters Reauthorization Act of 2004

Statement by
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before the

Committee on Science

U.S. House of Representatives

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Mr. Chairman and members of the committee, I am Ernest Mitchell, recently retired chief of the Pasadena (CA) Fire Department. I appear today as president of the International Association of Fire Chiefs (IAFC), which represents the leadership and management of America's fire and emergency service.

America's fire and emergency service reaches every community across the nation, covering urban, suburban and rural neighborhoods. Nearly 1.1 million men and women serve in 30,000 career, volunteer and combination fire departments across the United States. The fire service is the only entity that is locally situated, staffed, and equipped to respond to all types of emergencies. Members of the fire service respond to natural disasters such as earthquakes, tornadoes and floods as well as to manmade catastrophes, both accidental and deliberate. As such, America's fire service is an all-risk, all-hazard response entity.

The FIRE Act Grant Program Works

Mr. Chairman, in your invitation you asked witnesses to address H.R. 4107, your bill to reauthorize the Assistance to Firefighters Grant Program, better known as the FIRE Act. The FIRE Act is one of the most important relationships between the fire service and the federal government. On behalf of the IAFC, I commend you for taking a leadership role in this reauthorization.

We consistently hear from our members that they have a great number of needs to be met, ranging from pumpers to self-contained breathing apparatus to training. We are pleased to note, Mr. Chairman, that your bill would authorize a new survey to determine the current level of need in America's fire service. We are also very pleased that your bill would reauthorize a highly effective federal grant program.

Congressional, administration, and fire service officials alike have called the FIRE Act one of the very best federal grant programs. The U.S. Department of Agriculture (USDA) issued a program analysis in 2003, proclaiming that the FIRE Act works. In USDA's own words, the FIRE Act "has been highly effective in increasing the safety and effectiveness of grant recipients . . . 99% of program participants are satisfied with the program's ability to meet the needs of their department . . . [and] 97% of program participants reported positive impact on their ability to handle fire and fire-related incidents."¹

There are good reasons for the FIRE Act's success, and they are the five pillars of the program.

First, funds go directly to local fire departments for the purposes intended. There is no opportunity for the money to get bottlenecked at intermediate levels as with so much other first responder funding.

Second, grants are awarded on a competitive basis, and not based on a pre-determined formula. We cannot equip this nation's fire service with a one-size-fits-all formula. Formulas cannot account for whether a particular community is a city with mostly high-rise buildings, or whether it is an area out west that is more susceptible to wildland fires. Formulas cannot account for local budgets, or the age and level of use of the equipment in each of this nation's 30,000-plus fire departments. If a fire chief can make a good case for a grant, the competitive process will acknowledge that.

¹ U.S. Department of Agriculture Executive Potential Program Team 6, Survey, Assessment, and Recommendations for the Assistance to Firefighters Grant Program, Final Report, prepared for the U.S. Fire Administration, Federal Emergency Management Agency, January 31, 2003, p. 40 (emphasis removed).

The third pillar of the FIRE Act is that grant applications are peer-reviewed. That means fire service people are looking at fire service grants. Experienced and informed members of the fire service community know what kinds of equipment and training we really need.

The fourth point is that grants are supplemental only; they may not supplant local funds. The point of the FIRE Act is to raise the capability of fire departments across the country, not to replace line items in local budgets. A local community may not reduce the department's budget to offset a FIRE Act grant.

The fifth and final pillar of the FIRE Act's success is that it requires a co-payment by the community. This is really a requirement of community "buy-in" to the idea of improving the fire service and, therefore, advancing public safety. It is a clear demonstration of a community's partnership with the federal government to increase the capability of protecting this nation's critical infrastructure.

Local Control Must Be Maintained

Perhaps the most prominent theme that unifies the five pillars of the FIRE Act is local control. Local fire chiefs, in consultation with their firefighters and community leaders, decide what is most important to the community. These requests are then competitively reviewed by the people that are most familiar with the needs, local fire service representatives from across the country. Finally, the local community must "buy-in" to the grant by providing matching funds and agreeing that federal dollars will not supplant regular local funding to the fire department. I submit to you, Mr. Chairman, that this consistent level of local involvement and control lies at the very heart of the FIRE Act's sustained success.

We are concerned that this local control is being eroded. Perhaps the most obvious example is the current emphasis by the Office for Domestic Preparedness (ODP) on the fire service's response to chemical, biological, radiological, nuclear and explosive (CBRNE) incidents. As you are aware, formal management of the FIRE Act was transferred this fiscal year from the U.S. Fire Administration (USFA) to ODP. While ODP has committed to running the program in substantially the same manner as USFA, we are concerned about the strong emphasis on terrorism response. Acts of terrorism are just some of the many hazards to which America's fire service responds. Congress has made it clear that the FIRE Act is intended to build the basic tools of firefighting in order to enhance our all-hazards response.² We are concerned that ODP's emphasis on terrorism might undermine this overarching goal and begin the transformation of the FIRE Act into a terrorism-response program.

Mr. Chairman, I would like to thank you for including in your bill a provision to move the FIRE Act back within the jurisdiction of the USFA. The IAFC supported placing USFA in charge of the FIRE Act in the initial authorization, and we support it now. The USFA has very successfully managed this program, and we commend Administrator David Paulison for his outstanding leadership.

² See, for example, appropriations report language for FY2003: "The conferees have agreed to establish this new appropriations account for firefighter assistance grants [the Emergency Management Planning and Assistance account] so that there will be no doubt as to the importance of this program and to protect this program from being lost in the morass of the Department of Homeland Security" (H.R. Rep. No. 108-010, Title III (2003)).

In report language for FY2004, Congress said: "This Committee . . . recommends the program remain in the Emergency Preparedness and Response Directorate in a separate appropriation so there is no doubt as to its importance, and to protect this program from being lost in the first responders grant programs" (H.R. Rep. No. 108-169, Title III (2004)).

Our second concern related to the loss of local control is the proposed earmark of up to four percent of funding to volunteer emergency medical service (EMS) agencies. The FIRE Act has largely avoided earmarks, preferring to let the strength of individual grant applications speak for themselves. While we feel that providing financial assistance to volunteer EMS agencies is a laudable goal, modifying the FIRE Act is not the best way to accomplish it. The FIRE Act is meant to improve the readiness and response of local fire departments. Maintaining this clearly defined purpose is critical to the long-term success of the program. Setting aside earmarks for volunteer EMS agencies would erode this singular focus. Once the door has been opened to expand the list of eligible agencies, Congress would get requests to further expand the program from EMS agencies affiliated with hospitals, third service career agencies, and from private, for-profit corporations. The FIRE Act would then cease to be a core fire service program.

Our final concern is about the so-called “anti-discrimination clause.” The IAFC believes that discrimination has no part in America’s fire service and we have worked hard to eliminate discrimination wherever it appears. Eighteen months ago the IAFC surveyed our members and discovered that a significant number of them had been subjected to some form of inappropriate peer pressure, harassment, or outright intimidation regarding their service as volunteers. We support the right of a citizen to volunteer his or her time and abilities to a fire department. We challenged our members, the leaders of the fire service, to crack down on this inappropriate behavior that undermines, in a profoundly damaging way, individual freedom and the civic ties that pull our local communities together.

However, I would like to be clear, Mr. Chairman, that despite the IAFC’s strong position on this issue and my own personal support of the volunteer fire service, we do not believe that amending the FIRE Act is the best way to resolve this issue. Representatives of 10 key fire service organizations addressed this topic in February, when we got together to discuss this reauthorization. We submitted a white paper to Congress that reflected the consensus we reached on what we think are the most important elements of this program. We discussed the issue of discrimination. The 10 organizations at the table agreed that the FIRE Act was not the place to resolve these sometimes divisive issues. The FIRE Act is meant to equip fire departments with the tools and training they need to do their jobs.

Conclusion

In conclusion, I would like to thank you, Mr. Chairman, for introducing this bill and for holding this hearing on a most important federal grant program. The FIRE Act is an endeavor for which the taxpayers and the federal government can – and should – be proud.

I will be happy to answer any of your questions.



Ernest Mitchell
President

Chief Mitchell has 30 years of fire service experience, 20 as a chief officer and the past 10 as fire chief. An IAFC member since 1987, he has served on both the Diversity and Program Planning Committees and was a member of the Fire Chief Designation Task Force and a participant in the 2000 Strategic Planning Process. A recipient of the 1999 IAFC President's Award for service, Mitchell earned bachelor's and master's degrees in public administration and is past president of the Foothill Chiefs, Los Angeles Area Fire Chiefs and League of California Cities Fire Chiefs associations